

### **REMARKS**

This amendment is responsive to the Official Action dated March 10, 2006. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 1-4 were previously pending in the application and have been rejected. The Official Action rejects Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,112,502 to Frederick et al. Applicants have amended independent Claim 1 to further patentably distinguish the claimed invention, as explained more fully below. It is respectfully submitted that in light of the arguments and claim amendment(s), the application is now in condition for allowance.

Frederick et al. discloses a method for monitoring, dispensing, and restocking medical items from a plurality of storage locations. Each storage location of the method of Frederick et al. is marked with a par level for the item contained therein. Each storage location is further marked with one or more scannable indicia (e.g., bar code labels) corresponding to a “quantity condition.” For example, one scannable indicium may correspond to a “below par level” condition, while another indicium may correspond to an “out of stock” condition. A user of the system determines whether an item requires restocking, such as by determining if the current quantity of the item is below the indicated par level or if the item is out of stock. The user then scans the appropriate indicium, corresponding to the determined quantity condition, using a handheld device. This causes the transmission of a message indicating that the particular storage location requires restocking.

The claimed invention similarly discloses a system for monitoring and restocking medical items from a plurality of storage locations. As recited in amended independent Claim 1, the system of the claimed invention comprises a plurality of open shelves, a handheld device, and a computing device. The handheld device is programmed to read indicia associated with an item for which a restock is desired, receive quantity information associated with the read indicia, and transfer the information associated with the read indicia and the quantity information. The computing device is configured to receive the transferred information and compare the received

quantity information to a par level for the item, so that the restocking package can be prepared when the quantity information is less than the par level.

A user of the system of the claimed invention does not need to know the par level and does not need to determine whether the current quantity is below the par level, but rather need only input the current quantity into the handheld device. The computing device of the claimed invention is then configured to compare the quantity, which is transferred from the handheld device to the computing device, to a par level. Thus, the computing device of the claimed invention is performing the comparison of the quantity to the par level.

In contrast to the claimed invention, the user of the method disclosed in Frederick et al. must necessarily manually compare the quantity to the par value in order to determine the quantity condition and scan the correct indicium. The information read from the indicium of Frederick et al. is a quantity condition (e.g., below par level, out of stock, etc.) and not a quantity (100 pills, 50 units, etc.). The method of Frederick et al. requires that the comparison of the current quantity to the par value be performed by the user and occur prior to scanning the indicium, as this is the only way the user could know which indicium to scan. As the comparison is performed by a user, Frederick et al. cannot be considered to disclose a computing device configured to compare quantity information to a par value, as recited in amended Claim 1.

In view of the claim amendments and the remarks presented above, Applicants respectfully submit that independent Claim 1, as well as the claims that depend therefrom, are patentable over Frederick et al. As such, all of the present claims of the present application are in condition for immediate allowance.

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### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully submit that all of the Claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Nguyen is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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